

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MILLER INSULATION, Co., a
North Dakota corporation,

Plaintiff,

V.

BEATRICE BIODIESEL, LLC, a
Nebraska limited liability company,
and RYAN & ASSOCIATES, Inc.,
an Iowa corporation,

Defendants.

4:08CV3159

JUDGMENT

Pursuant to the court's Memorandum and Order previously filed on this date, and Fed. R. Civ. P. 54(b), all claims against Defendant Ryan & Associates, Inc. are dismissed with prejudice, and Ryan is no longer a party to the action. This judgment does not dismiss Plaintiff's claims against Defendant Beatrice Biodiesel, LLC.

Because Chapter 7 bankruptcy proceedings are currently underway for Defendant Beatrice Biodiesel, and there being no just reason for delay, Rule 54(b) judgment is appropriate.

November 10, 2009.

BY THE COURT:

Richard G. Kopf

United States District Judge